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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,617	06/29/2000	Gregory W. Bruening	USW#-1750	7650
20350	7590	01/13/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			BUI, BING Q	
			ART UNIT	PAPER NUMBER
			2642	16
DATE MAILED: 01/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/606,617	BRUENING, GREGORY W.
	Examiner Bing Q Bui	Art Unit 2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-51 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-51 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s). _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. This action is in response to applicant's response filed on Oct. 20, 2003. Claims 1-51 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al (US Pat 5,805,587) in view of Bull et al (US Pat No. 6,498,841), herein after referred as Norris and Bull.

Regarding claim 1, Norris teaches the invention substantially as claimed, a method for identifying a caller S2 in which with respect to Figure 1, Norris et al teach the method comprising the steps of:

- a) receiving a call from S1 to a subscriber line having a device DT1 and telephone set S1 connected to internet 18 (computer network) (Figs 1 and 7; col 8, ln 49-col 9, ln 8);
- b) determining that the subscriber line is connected to the computer network (Figs 1 and 7; col 8, ln 49-col 9, ln 8);

Norris differs from claimed invention in which it does not teach the step of:

- c) in response to said step b), prompting the caller to provide identification;
- d) receiving an audible identification from the caller; and
- e) providing the caller audible identification to the subscriber.

However, Bull teaches the steps of:

c) in response to said step b), prompting the caller to provide identification (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61);

d) receiving an audible identification from the caller (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61); and

e) providing the caller audible identification via the computer network (i.e., computer network "102" of Fig. 1) and subscriber line to the device (i.e., "CALLED COMMUNICATION STATION") (see Abstract; Figs 1, 3 and 5; and col. 3, Ins 38-61).

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull, to Norris's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

Regarding claims 2-3, 30-31 and 45-46, Norris teaches the invention substantially as claimed, with the exception of providing the step of recording the caller audible identification and sending the recorded audible identification to the device.

However, Bull teaches the steps of collecting the caller audible identification and sending the collected audible identification to the recipient subscriber (see Abstract; Figs 1, 3 and 5; and col. 6, In 53-col. 7, In 12).

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull,

to Norris's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

Regarding claims 4-5, Norris teaches the invention substantially as claimed, with the exception of providing the step of:

- f) before said step c), determining whether calling party information is present in response to said step b);
- g) determining that the calling party information is not present; and
- h) performing said step c) in response to said step g).
- i) detecting a trigger at the subscriber line in said step a);
- j) performing said step f) in response to said step i).

However, Bull teaches the steps of:

- f) before said step c), determining whether calling party information is present in response to said step b) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).
- g) determining that the calling party information is not present (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12); and
- h) performing said step c) in response to said step g) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).
- i) detecting a trigger at the subscriber line in said step a) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12);
- j) performing said step f) in response to said step i) (see Abstract; Figs 1, 3 and 5; and col. 6, ln 12-col. 7, ln 12).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of determination of the presence of caller information before prompting the caller for information, as taught by Bull, to Norris 's invention to save call processing time.

Regarding claim 6, Norris teaches the invention substantially as claimed, the method further including the step of directing the call to a VRU (an intelligent peripheral) based upon said step g) (col 4, Ins 6-50).

Regarding claim 7, Norris teaches the invention substantially as claimed, the method further including the step of prompting (displaying) a plurality of disposition options for the call via the subscriber line (col 4, Ins 6-50).

As to claims 8, 12-15, 17-18, 22 and 33-34, they are rejected for the same reasons set forth to rejecting claims 1-3 above, since claims 8, 12-15, 17-18, 22 and 33-34 are merely a system for implementing the method defined in the method claims 1-3.

As to claim 9, it is rejected for the same reasons set forth to rejecting claim 2 above, since claim 9 is merely a system for implementing the method defined in the method claim 2.

Regarding claims 10, 16, 23 and 42-43, Norris teaches the invention substantially as claimed, with the exception of providing the step of sending the audible identification to the subscriber.

However, Bull teaches the steps of providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57)

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting the audible caller identification and providing this audible identification to a subscriber, as taught by Bull, to Norris's invention in order to friendly provide useful information about the call that enables the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session.

As to claim 11, it is rejected for the same reasons set forth to rejecting claim 6 above, since claim 11 is merely a system for implementing the method defined in the method claim 6.

As to claims 19-21, 24, 28-29, 32, 37-39, 44 and 47-48, they are rejected for the same reasons set forth to rejecting claim 1.

Regarding claim 25, Norris teaches the invention substantially as claimed, wherein the computer network is the Internet (Figs 1-2 and col 2, ln 32-48).

Regarding claim 26, Norris teaches the invention substantially as claimed, wherein the visual interface comprises an Internet web page (col 2, ln 7-col 3, lns 16).

Regarding claim 27, Norris teaches the invention substantially as claimed, wherein the visual interface comprises a pop-up screen (col 2, ln 7-col 3, lns 16).

As to claim 35, it is rejected for the same reasons set forth to rejecting claim 26 above, since claim 35 is merely a system for implementing the method defined in the method claim 26.

As to claim 36, it is rejected for the same reasons set forth to rejecting claim 27 above, since claim 36 is merely a system for implementing the method defined in the method claim 27.

As to claims 40-41, they are rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 40-41 are merely a system for implementing the method defined in the method claims 2-3.

Regarding claims 49-51, Norris teaches the invention substantially as claimed, subscriber S1 includes a telephone set S1 associated with a DT1 (personal computer) that connected to internet 300 via internet service provider IAS 200 point of presence 36 (Figs 1).

Response to Arguments

3. Applicant's arguments filed 10/20/03 have been fully considered but they are not persuasive.

In accordance with the Applicant's Remarks, Applicant mainly argues that Bull can not be combined with Norris because the method of collecting (receiving) an audible identification from a caller and sending (providing) the collected audible identification to a subscriber device taught by Bull is implemented via a PSTN while system for sending (providing) a call-waiting message to a called subscriber suggests by Norris is implemented via a computer network.

Examiner respectfully disagrees because in another embodiment, in addition the embodiment in which the method of collecting (receiving) an audible identification

from a caller and sending (providing) the collected audible identification to a subscriber device taught by Bull is implemented via a PSTN as cited by Appellant, Bull also discloses that alternately the system "100" (figure 1) for processing the method of collecting (receiving) an audible identification from a caller and sending (providing) the collected audible identification to a subscriber device can be implemented in a computer network (see column 2, ln 52 – column 3, ln 18). Therefore, it is reasonable for combining the method of collecting (receiving) an audible identification from a caller and sending (providing) the collected audible identification to a subscriber device taught by Bull into in the call-waiting alerting system of Norris in order to friendly provide useful information about the call that enables the subscriber who being busy in an ongoing communication session to recognize the caller for determining whether or not to accept the call without interrupting the ongoing communication session.

For above reasons, Examiner maintains his ground of rejection with Norris and Bull.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

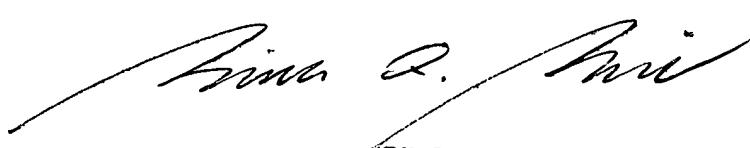
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Jan 07, 2004


BING BUI
PATENT EXAMINER